

EX PARTE OR LATE FILED

WILEY, REIN & FIELDING

ORIGINAL
RECEIVED

1776 K STREET, N.W.

WASHINGTON, D. C. 20006

(202) 429-7000

March 25, 1993

MAR 25 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

TELEX 248 549 WTRN

WRITER'S DIRECT DIAL NUMBER

(202) 429-7303

RECEIVED

MAR 25 1993

MAR 25 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Re: Notification of Permitted Ex Parte Presentation
MM Docket Nos. 92-265

Dear Ms. Searcy:

Viacom International Inc. ("Viacom"), by its attorneys and pursuant to Section 1.1206(a)(2) of the Commission's rules, hereby submits an original and one copy of this memorandum regarding a permitted ex parte presentation to the Commission's staff regarding MM Docket No. 92-265.

On Thursday, March 25, 1993, at approximately 9:45 a.m., the attached documents were delivered to Alexandra M. Wilson and James R. Coltharp of the Commission's staff. The documents relate to Viacom's comments and reply comments filed in response to the Notices of Proposed Rule Making in MM Docket No. 92-265, FCC 92-543 (rel. Dec. 24, 1992) which sought comment on the implementation of various provisions of the Cable Television Consumer Protection and Competition Act of 1992 dealing with the development of competition and diversity in video programming distribution and carriage. The documents, which had earlier been presented to Messrs. Marchant, Hollar and Corn-Revere, were presented to Ms. Wilson and Mr. Coltharp prior to release of the "Sunshine Notice" relating to the afore-mentioned proceeding.

No. of Copies rec'd 041
List A B C D E

Ms. Donna R. Searcy
March 25, 1993
Page 2

Kindly direct any questions regarding this matter to

**LARGEST
"VERTICALLY INTEGRATED"
BASIC PROGRAM SERVICES**

| <u>Program Service</u> | <u>Total Network Cable Subscribers¹</u> | <u>MSO Ownership²</u> <u>(Total # of MSO's Cable Subscribers)³</u> | <u>Owned Cable Systems as % of Network Cable Subscribers⁴</u> |
|---------------------------------|--|---|--|
| Cartoon Net | 4,025,000 | TCI (9,686,000); TW (6,807,330) | 100% + |
| Court TV | 7,000,000 | Liberty Media ⁵ (9,686,000); TW (6,807,330); Cablevision Systems Corp. (1,175,422) | 100% + |
| Video Jukebox Network (The Box) | 9,359,000 | Liberty Media ⁵ (9,686,000); Newhouse (1,321,806) | 100% + |
| E! Entertainment Television | 21,500,000 | TW (6,807,330); Comcast (2,852,000); Continental (2,855,000); Cox (1,714,879); Newhouse (1,321,806) | 72.3% |
| The Learning Channel | 18,815,000 | TCI (9,686,000); Cox (1,714,789); Newhouse (1,321,806) | 67.6% |
| QVC | 45,000,000 | Liberty Media ⁵ (9,686,000); TW (6,807,330); Comcast (2,852,000) | 43% |
| BET | 33,900,000 | Liberty Media ⁵ (9,686,000); TW (6,807,330) | 48.6% |
| Headline News Network* | 51,407,000 | TCI (9,686,000); TW (6,807,330) | 32% |
| Comedy Central | 26,956,000 | Viacom (1,063,000); TW (6,807,330) | 29.1% |
| TBS* | 57,457,000 | TCI (9,686,000); TW (6,807,330) | 29% |

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

LAWRENCE W. SECREST III
(202) 429-7074

March 24, 1993

RECEIVED
MAR 25 1993
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

FACSIMILE
(202) 429-7049
TELEX 248349 WYRN UR

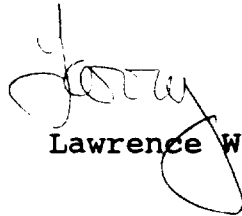
Byron F. Marchant
Legal Advisor to Commissioner Barrett
Federal Communications Commission
1919 M Street, N.W.
Room 844
Washington, D.C.

Dear Byron:

In accordance with your request, I am enclosing charts that show which basic and pay cable networks would be exempt from program access regulations pursuant to the 5% de minimis standard that Viacom proposed in its comments.

Best regards.

Sincerely yours,



Lawrence W. Secrest, III

LWS:kim
Enclosures

cc: Robert Corn-Revere
John C. Hollar

"VERTICALLY INTEGRATED" PREMIUM MOVIE SERVICES

| Program Service | Total Cable Subscribers | MSO Ownership ¹ (Total # of MSO's Cable Subscribers) ² | Subscribers on Commonly-Owned Cable Systems | Owned Cable Systems as % of Network Cable Subscribers |
|-----------------|-------------------------|---|---|---|
| Cinemax | 6,044,684* | Time Warner (6,807,330) | 1,063,837* | 17.6% |
| HBO | 16,320,031* | Time Warner (6,807,330) | 2,373,799* | 14.5% |